



AO 91 (Rev. 11/11) Criminal Complaint

## UNITED STATES DISTRICT COURT

for the

Northern District of New York

UNITED STATES OF AMERICA )

v. )

NAHSHON T. NANCE )

Case No. 5:18-MJ- (TWD)

285

Defendant(s) )

## CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief. On or about the date(s) of May 22, 2018 in the county of Onondaga in the Northern District of New York the defendant(s) violated:

*Code Section*  
18 USC § 922(g)(1)

*Offense Description*  
Possession of a Firearm by a Convicted Felon

This criminal complaint is based on these facts:  
See attached Affidavit in Support of Criminal Complaint

☒ Continued on the attached sheet.

Complainant's signature

Richard Gardinier, Special Agent, ATF

Printed name and title

Sworn to before me and signed in my presence.

Date: 5/24/2018

Judge's signature

City and State: Syracuse, New York

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge

Printed name and title



and financial records, applying for and serving search warrants, firearms trafficking, etc.

Prior to, I was employed as a Police Officer with the United States Secret Service since 2012.

2. I am an investigative, or law enforcement officer of the United States within the meaning of Title 18, United States Code, Section 2510 (7), in that I am an officer of the United States who is empowered by law to conduct investigations and make arrests for the offenses enumerated in Title 18 and 26, United States Code.

3. This affidavit is intended to show only that there is sufficient probable cause for the requested complaint and arrest warrant and therefore does not set forth in an every fact of this investigation.

Investigation of Nahshon T. NANCE

1. On May 23, 2018, your Affiant was contacted by the Syracuse Police Department ("SPD"), in reference to a domestic dispute with a weapon involved, which ultimately led to the arrest of Nahshon T. NANCE on May 21, 2018 in the City Syracuse for violations of the New York State Penal Law. I have also reviewed records of this incident, which include the reports of members of the Syracuse Police Department who were involved in the investigation and arrest of Nahshon T. NANCE on May 21, 2018, as well as the recovery of evidence. Additionally, I have spoken with members of the Onondaga County District Attorney's Office staff who are familiar with the facts of the case as well as other ATF Special Agents who have done research on the interstate nexus of the firearm allegedly possessed in violation of federal law by Nahshon T. NANCE.

2. On or about May 21, 2018, at approximately 2332 hours, SPD Officer Thomas Miller, badge number 0551, was dispatched to the area of 111 Smith Lane, apartment 25, Syracuse, New York, for the report of a domestic incident with a weapon involved.
3. Upon arrival, Officer Miller interviewed the victim of the incident, T.C., an adult female. T.C. told SPD Officers that earlier, while inside her residence, an argument ensued between herself and NANCE, during which, NANCE displayed a silver pistol. Officer Miller's report reflects T.C. stated NANCE retrieved the firearm from his front waistband, pointed it directly at her and stated "I'll fucking shoot you bitch."
4. T.C. described NANCE, whom she knows personally, as wearing a black hooded sweatshirt, bleached out shorts, black Jordan shoes, wearing a black "doo-rag" on his head and holding a green back pack.
5. Officer Miller's report explained, while he was interviewing T.C., NANCE called her cell phone. During the conversation, which Officer Miller overheard, NANCE alluded to being near the vicinity of the incident and able to observe the SPD Officers and T.C.
6. During the conversation with NANCE which Officer Miller and T.C. could both hear what was being said via T.C.'s mobile phone, T.C. indicated NANCE may have entered the building of 111 Smith Lane and may be in the hallway.
7. As Officer Miller relayed information on NANCE's possible whereabouts to other SPD Officers, he observed a tall, slender, black male, wearing a black hooded jacket and a "doo-rag" on his head peering out of the southern door of 111 Smith Lane. Officer Miller believed this individual to be NANCE.

8. Officer Miller, who was wearing a full SPD uniform, gave verbal commands to the individual whom he believed to be NANCE, at which point NANCE began to flee east, away from Officer Miller, down the hallway of the building.
9. Officer Miller entered the building, using the door-jam as cover, observed the same NANCE running east with what appeared to be a silver handgun. Officer Miller stated that NANCE pointed the silver handgun in his direction. Officer Miller said the handgun appeared to be genuine, with a silver barrel, black handgrip and what he described as a large opening at the end of the barrel.
10. Officer Miller observed NANCE, while running from him, contact a partially opened door, causing NANCE to drop both the silver handgun and a back pack to the ground. NANCE continued to flee, exiting the north side rear entrance of 111 Smith Lane, where he was taken into custody by SPD Officers Roger Camby, badge 0357, and Officer Shane Hilton, badge 1105.
11. Officer Miller indicated he remained with the silver handgun until SPD Officer Kelsey Francemone, badge 0237, arrived to photograph and secure it.
12. Officer Francemone indicated she recovered what was described as a loaded Smith and Wesson, model 625 revolver, caliber .45 Colt, bearing serial number CER5545, containing six (6) rounds of .44 caliber Remington Magnum ammunition.
13. Your Affiant conducted a Criminal History check for NANCE, which revealed at least one felony conviction, as follows: on or about November 15, 2016, in Cayuga County Court in the State of New York, NANCE was convicted Criminal Possession of

Controlled Substance 3<sup>rd</sup> Degree: Narcotic Drug with Intent to Sell, in violation of NY Penal Law ("PL") 220.16 sub(1). This is classified as a B Felony, a crime punishable by more than a year in prison. On December 14, 2017, NANCE was conditionally released to the New York Division of Parole, with a parole expiration date of December 14, 2018.

14. On May 23, 2018, Special Agent (SA) Louis Saffioti, ATF Syracuse Field Office, who has been trained as an expert in determining the interstate nexus of firearms and ammunition, reviewed the SPD reports involving the above-described investigation and the silver handgun recovered. SA Saffioti consulted multiple reference databases and, based on the description of the silver Smith and Wesson handgun, which includes its manufacturer, serial number, and caliber, along with his training and experience, rendered an opinion that this firearm was manufactured in Massachusetts and allegedly possessed by Nahshon T. NANCE in Syracuse, New York, in the Northern District of New York, and therefore traveled in and affected interstate commerce.
15. Based upon these facts, your Affiant believes there is probable cause to believe Nahshon T. NANCE, a previously convicted felon, possessed a firearm, which traveled in or affected interstate commerce, in violation of Title 18 U.S.C 922(g)(1). I request that the Court authorize the filing of this criminal complaint and issue an arrest warrant so that Nahshon T. NANCE may be brought before this Court for further proceedings in

accordance with law.

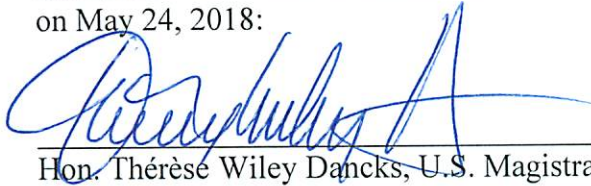
Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard R. Gardinier", with a date "5/24/18" written to the right.

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Richard R. Gardinier  
Special Agent  
ATF

Subscribed and sworn to before me  
on May 24, 2018:

A handwritten signature in blue ink, appearing to read "Thérèse Wiley Dancks", written over a horizontal line.

Hon. Thérèse Wiley Dancks, U.S. Magistrate Judge